## REMARKS/ARGUMENTS

1. Rejection of claims 1-4, 6-8, 11, 12, and 15-19 under 35 U.S.C. 103(a):

Claims 1-4, 6-8, 11, 12, and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. (US 2005/0025454) in view of Arredondo et al. (GB 2387710A).

**Response:**

Claim 1 has been amended to clarify the claimed invention. Claim 1 now contains limitations previously found in claim 8, and claim 8 has been subsequently cancelled. As a result, claim 1 now recites that the method for implementing an adaptive mixing energy ratio in an image-editing environment comprises "applying at least one **audio analysis technique** to a session of video footage stored in a computer readable media for performing an analysis, wherein the footage is **analyzed with respect to predefined auditory patterns and non-predefined auditory patterns**". The method also comprises "demarcating the session of video footage into a plurality of segments", "determining a mixing energy ratio for each of the plurality of segments according to the audio analysis", "interpolating the mixing energy ratio for each of the plurality of segments to produce a mixing energy ratio profile", and "applying the mixing energy ratio profile to the session of video footage." No new matter is added through the amendments to claim 1. Claims 3-6, 11, 16-19 are amended in accordance with the amended claim 1.

Applicants respectfully submit that independent claim 1 is patently distinct over Nakamura for at least the reason that the prior art reference Nakamura does not disclose "**predefined auditory patterns and non-predefined auditory patterns**" and a method for **adaptively adjusting a mixing energy ratio** in an image-editing environment, and since the cited paragraphs of Nakamura (Office Action, page 2) are not related to audio analysis before editing. Therefore, Nakamura fails to disclose,

teach, or suggest the features emphasized in claim 1. In detail, Nakamura does not disclose anything relating to "***the footage is analyzed with respect to predefined auditory patterns and non-predefined auditory patterns***", "determining a ***mixing energy ratio*** for each of the plurality of segments according to the ***audio*** analysis". Therefore, it also follows that Nakamura does not teach "***interpolating the mixing energy ratio for each of the plurality of segments to produce a mixing energy ratio profile***", and "***applying the mixing energy ratio profile to the session of video footage***", as is recited in claim 1.

The instant application discloses that footage is analyzed using **predefined and non-predefined auditory patterns**, and then interpolating or fitting points between at least two analyzed mixing energy ratios is performed. Please refer to the Office Action page 7, the Allowable subject matters include claims 9-10, which disclose details of "**predefined and non-predefined auditory patterns".** Thus, Applicants respectfully thank for Examiner to allow these matters. Applicants also believe that Examiner also admits that Nakamura fails to disclose "**predefined and non-predefined auditory patterns"**, so these two features have been added to claim 1. Since the novel features of claims 9-10 have been rewritten in independent form, claim 1 is patentable over Nakamura. Further, the details of the interpolating step are disclosed in the instant application, ¶ 51 and Fig. 2, stating that "the mixing energy ratio profile 14 is interpolated to fit points 120-128." However, Nakamura is silent about these features recited in claim 1.

Because the cited prior art fails to teach the above features of claim 1, the applicant respectfully submits that claim 1 is patentable over the combination of Nakamura and Arredondo. Furthermore, claims 3, 4, 6, 7, 11, 12, and 15-19 are dependent on claim 1, and should be allowed if claim 1 is allowed. Reconsideration of claims 1, 3, 4, 6, 7, 11, 12, and 15-19 is therefore respectfully requested.

2. Rejection of claims 5, 13, and 14 under 35 U.S.C. 103(a):

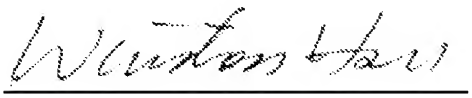
Claims 5, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. (US 2005/0025454) in view of Arredondo et al. (GB 2387710A), in further view of Official notice.

**Response:**

Furthermore, claims 5, 13, and 14 are dependent on claim 1, and should be allowed if claim 1 is allowed. Reconsideration of claims 5, 13, and 14 is therefore respectfully requested.

In view of the claim amendments and the above arguments in favor of patentability, the applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Sincerely yours,



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Winston Hsu, Patent Agent No. 41,526
P.O. BOX 506, Merrifield, VA 22116, U.S.A.
Voice Mail: 302-729-1562
Facsimile: 806-498-6673
e-mail : winstonhsu@naipo.com

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